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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELEKTRA ENTERTAINMENT GROUP, INC.
Et al.,

Plaintiffs,

-against-

05 Civ. 2414 (CM)(MDF)

PATRICIA SANTANGELO.

Defendant.
_____X

MEMORANDUM ORDER DENYING PLAINTIFFS' MOTION
TO DISMISS THE CASE WITHOUT PREJUDICE AND DIRECTING
THE PARTIES EITHER TO (1) FILE A STIPULATION OF
DISCONTINUANCE WITH PREJUDICE BY APRIL 1, OR TO
(2) APPEAR AT THE SCHEDULED STATUS CONFERENCE ON
APRIL 13 WITH THEIR JOINT PRE-TRIAL ORDER.

McMahon, J.:

Plaintiffs' motion for leave to dismiss this case without prejudice is DENIED.

After reading the papers submitted by both sides, I conclude that no conceivable interest of justice would be served by permitting this case to be dismissed without prejudice against defendant. Mrs. Santangelo does not have to remain permanently "in chancery;" she is entitled to have her legal status resolved one way or the other. This case is two years old. There has been extensive fact discovery. After taking this discovery, either plaintiffs want to make their case that Mrs. Santangelo is guilty of contributory copyright infringement or they do not. If they do, I will expect a joint pre-trial order to be filed at our upcoming status conference on April 13, and we will set a trial date at that time. If they do not, then the parties need to file a stipulation of discontinuance with prejudice by April 1, so Mrs. Santangelo's lawyer can prepare his contribution to the pre-trial order and other papers required by this court's rules.

I will not extend these dates for any reason. I am aware of the upcoming religious and school holidays.

Nothing in any papers filed by plaintiffs suggests to this court IN THE SLIGHTEST that Mrs. Santangelo has ever perpetrated any fraud on this court. I would be shocked if she had NOT

become quite a bit more sophisticated and computer literate over the last 24 months.

Dated: March 19, 2007



A handwritten signature in black ink, appearing to read "Lee M. Hall", is written over a horizontal line. Below the line, the text "U.S.D.J." is printed.

U.S.D.J.

BY FAX TO ALL COUNSEL